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Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXIII] Trivandrum, Friday, 10th February 1978 / 21st Magha 1899 [No. 83

GOVERNMENT OF KERALA

Taxes (A) Department

NOTICE

Of the sale of the privilege of vending Toddy, Arrack and Foreign Liquor including Cocobrandy in independent Retail shops and Foreign Liquor in Wholesale shops during the period from 1st *April,* 1978 *to* 31st *March,* 1979.

G. O. Rt. 86/78/TD. *Dated, Trivandrum, 10th February, 1978.*

1. By virtue of the powers conferred by section 18 A of the Abkari Act, 1 of 1077, and rule 4 of the Kerala Abkari Shops (Disposal in Auction) Rules, 1974 and all other powers vested in the Government in this behalf, notice is hereby given that the privilege of vending toddy, arrack and foreign liquor including Cocobrandy, during the period from 1st April, 1978 to 31st March, 1979, in independent retail shops and foreign liquor in independent wholesale shops within the taluks shown below will be put to public auction, at the places mentioned against them or at such other places as may be notified in the respective Excise Division Offices, on the dates shown against each.

Programme of Auction (District-wise)

Name of Taluk	Date of auction	Place of auction
(1)	(2)	(3)
Trivandrum District		
1. Trivandrum, Neyyattinkara	28-2-'78	Excise Division Office, Trivandrum
2. Chirayinkil, Nedumangad	8-3-'78	
Quilon District		
1. Pathanamthitta, Kunnathur, Quilon	23-2-'78	Excise Division Office, Quilon
2. Karunagappally, Pathanapuram, Kottarakkara	4-3-'78	
Alleppey District		
1. Thiruvalla, Mavelikkara, Ambalapuzha	25-2-'78	Excise Division Office, Alleppey
2. Chengannur, Kuttanad, Karthigapally, Sherthalai	6-3-'78	
Kottayam District		
1. Vaikom, Meenachil	25-2-'78	Excise Division Office, Kottayam
2. Kanjirapally, Kottayam, Changanassery.	27-2-'78	
Idukki District		
1. Thodupuzha, Peermade	1-3-'78	Excise Division Office, Idukki (At Kottayam)
2. Udumbanchola, Devikolam	8-3-'78	
Ernakulam District		
1. Kanayannur, Cochin, Parur	22-2-'78	Excise Division Office, Ernakulam
2. Kothamangalam, Moovattupuzha, Kunnathunad, Alwaye	2-3-'78	
Trichur District		
1. Mukundapuram, Thalapilly, Trichur	24-2-'78	Excise Division Office, Trichur
2. Chavakkad, Kodungallur	9-3-'78	

(1)	(2)	(3)
Palgbat District		
1. Palghat, Mannarghat	2-3-'78	Excise Division Office, Palghat
2. Chittur, Alathur, Ottapalam	3-3-'78	
Malappuram District		
1. Ponnani, Eranad	27-2-'78	Excise Division Office, Malappuram
2. Perinthalmanna, Tirur	1-3-'78	
Kozbikode District		
1. South Wynad, Kozhikode	23-2-'78	Excise Division Office, Kozhikode
2. Quilandy, Badagara	28-2-'78	
Cannanore District		
1. Cannanore, Hosdrug, Tellicherry, Taliparamba	22-2-'78	Excise Division Office, Cannanore.
2. Kasargode, North Wynad	24-2-'78	

2. The number of independent retail shops for the sale of toddy, arrack and foreign liquor including cocobrandy and the number of foreign liquor wholesale shops in each of the tracts or taluks and also the limits within which the shops are to be located will be the same as fixed in the schedule annexed to Notification No. G. O. Rt. 165|76|TD dated the 20th February, 1976 published in the Gazette Extraordinary No. 109 dated the 20th February, 1976, as modified by notification G. O. Rt. No. 191|76|TD dated the 1st March, 1976, published in the Gazette Extraordinary No. 129 dated the 1st March, 1976 and G. O. Rt. 177|TD dated 10th February, 1977, published in Gazette Extraordinary No. 91 dated the 11th February, 1977 and subject to the following further modification:—

In the said schedule under the heading "F. L. Retail Shops", Shop No. 22 of Shertalai Range and the entries relating thereto shall be omitted.

3. The auction sale will be held subject to the conditions set forth in the Kerala Abkari Sbops (Disposal in Auction) Rules, 1974.

By order of the Governor,

J. S. JESUDHASAN,
Special Secretary to Government.

കേരള സർക്കാർ

നികുതി (എ) വകുപ്പ്

നോട്ടീസ്

1978 ഏപ്രിൽ 1–ാം തീയതി മുതൽ 1979 മാർച്ച് 31–ാം തീയതിവരെയുള്ള കാലത്ത് കള്ള്, ചാരായം, കൊക്കോബ്രാൻറി ഉൾപ്പെടെയുള്ള വിദേശമദ്യം എന്നിവ സ്വതന്ത്ര ചില്ലറ വിൽപ്പന ഷോപ്പുകളിലും വിദേശമദ്യം മൊത്ത വിൽപ്പന ഷോപ്പുകളിലും വിൽക്കുന്നതിനുള്ള പ്രത്യേകാവകാശത്തിൻെറവിൽ പ്പനയെപ്പററി.

ജി. ഒ. ആർടി. 86/ടാക്സസ് ഡിപ്പാർട്ടുമെൻറ്,
തിരുവനന്തപുരം, 1978 ഫെബ്രുവരി 10.

1077–ലെ 1–ാം ആക്ററായ അബ്കാരി ആക്ററ് 18–എ വകുപ്പർ പ്രകാരവും 1974–ലെ കേരള അബ്കാരി ഷോപ്പുകറ (ലേലവിൽപ്പന) ചട്ടങ്ങളിലെ 4–ാം ചട്ടപ്രകാരവും ഈ ആവശ്യാർത്ഥം സർക്കാരിൽ നിക്ഷിപ്തമായിട്ടുള്ള മററെല്ലാ അധികാരങ്ങൾപ്രകാരവും, 1978 ഏപ്രിൽ 1–ാം തീയതി മുതൽ 1979 മാർച്ച് 31–ാം തീയതി വരെയുള്ള കാലത്തേക്ക് താഴെ കാണിച്ചിരിക്കുന്ന താലൂക്കുകളിലുള്ള സ്വതന്ത്ര റീട്ടെയിൽ ഷോപ്പുകളിൽ കള്ള്, ചാരായം, കൊക്കോബ്രാൻറി ഉൾപ്പെടെയുള്ള വിദേശമദ്യം എന്നിവയും സ്വതന്ത്ര ഹോൾസെയിൽ ഷോപ്പുകളിൽ വിദേശമദ്യവും വിൽക്കുന്നതിനുള്ള അവകാശം അവയ്ക്കെതിരെ പേരുപറയുന്ന സ്ഥലങ്ങളിൽവച്ചോ അഥവാ ബന്ധപ്പെട്ട എക്സൈസ് ഡിവിഷൻ ആഫീസുകളിൽ പരസ്യപ്പെടുത്തുന്ന മറേറതെങ്കിലും സ്ഥലങ്ങളിൽ വച്ചോ അവയ്ക്കെതിരെ കാണിച്ചിട്ടുള്ള തീയതികളിൽ പരസ്യലേലത്തിൽ വിൽക്കുന്നതാണ് എന്ന് ഇതിനാൽ നോട്ടീസ് നൽകുന്നു.

ലേലം സംബന്ധിച്ച പരിപാടി (ജില്ല തിരിച്ച്)

താലൂക്കിൻെറ പേര് (1)	ലേലത്തീയതി (2)	ലേലം നടത്തുന്ന സ്ഥലം (3)
തിരുവനന്തപുരം ജില്ല		
1. തിരുവനന്തപുരം, നെയ്യാററിൻകര	28–2–1978	എക്സൈസ് ഡിവിഷൻ ഓഫീസ്, തിരുവനന്തപുരം.
2. ചിറയിൻകീഴ്, നെടുമങ്ങാട്	8–3–1978	
കൊല്ലം ജില്ല		
1. പത്തനംതിട്ട, കുന്നത്തൂർ, കൊല്ലം	23–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കൊല്ലം.
2. കരുനാഗപ്പള്ളി, പത്തനാപുരം, കൊട്ടാരക്കര.	4–3–1978	

(1)	(2)	(3)
	ആലപ്പുഴ ജില്ല	
1. തിരുവല്ല, മാവേലിക്കര, അമ്പലപ്പുഴ	25–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, ആലപ്പുഴ.
2. ചെങ്ങന്നൂർ, കുട്ടനാട്, കാർത്തികപ്പള്ളി, ചേർത്തല.	6–3–1978	
	കോട്ടയം ജില്ല	
1. വൈക്കം, മീനച്ചിൽ	25–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോട്ടയം.
2. കാഞ്ഞിരപ്പള്ളി, കോട്ടയം, ചങ്ങനാശ്ശേരി.	27–2–1978	
	ഇടുക്കി ജില്ല	
1. തൊടുപുഴ, പീരുമേട്	1–3–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, ഇടുക്കി (കോട്ടയം)
2. ഉടുമ്പഞ്ചോല, ദേവികുളം	8–3–1978	
	എറണാകുളം ജില്ല	
1. കണയന്നൂർ, കൊച്ചി, പറവൂർ	22–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, എറണാകുളം
2. കോതമംഗലം, മൂവാററുപുഴ, കുന്നത്തുനാട്, ആലുവ.	2–3–1978	
	തൃശൂർ ജില്ല	
1. മുകുന്ദപുരം, തലപ്പിള്ളി, തൃശൂർ	24–2–1978	എക്സൈസ് ഡിവിഷൻ, ആഫീസ്, തൃശൂർ.
2. ചാവക്കാട്, കൊടുങ്ങല്ലൂർ	9–3–1978	
	പാലക്കാട് ജില്ല	
1. പാലക്കാട്, മണ്ണാർക്കാട്	2–3–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, പാലക്കാട്.
2. ചിററൂർ, ആലത്തൂർ, ഒററപ്പാലം	3–3–1978	
	മലപ്പുറം ജില്ല	
1. പൊന്നാനി, ഏറനാട്	27–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, മലപ്പുറം.
2. പെരിന്തൽമണ്ണ, തിരൂർ	1–3–1978	

(1)	(2)	(3)
	കോഴിക്കോട ജില്ല	
1. തെക്കേവയനാട്, കോഴിക്കോട്	23–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോഴിക്കോട്.
2. കൊയിലാണ്ടി, വടകര	28–2–1978	
	കണ്ണൂർ ജില്ല	
1. കണ്ണൂർ, ഹോസ്ദുർഗ്, തലശ്ശേരി, തളിപ്പറമ്പ്	22–2–1978	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കണ്ണൂർ.
2. കാസർഗോഡ്, വടക്കേ വയനാട്	24–2–1978	

ഓരോ താലൂക്കിലോ പ്രദേശത്തോ ഉള്ള കള്ളിന്റെയും, ചാരായത്തിന്റെയും കൊക്കോബ്രാൻറി ഉംപ്പെടെയുള്ള വിദേശ മദ്യത്തിന്റെയും വിൽപ്പനയ്ക്കുള്ള സ്വതന്ത്ര ചില്ലറ വിൽപ്പന ഷോപ്പുകളുടെ എണ്ണവും വിദേശമദ്യം വിൽക്കുന്നതിനുള്ള സ്വതന്ത്ര ഹോംസെയിൽ ഷോപ്പുകളുടെ എണ്ണവും ആ ഷോപ്പുകൾ സ്ഥാപിക്കേണ്ട എലുകകളും 1976 മാർച്ച് 1–ാം തീയതിയിലെ 129–ാം നമ്പർ അസാധാരണ ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തിയ 1976 മാർച്ച് 1-ാം തീയതിയിലെ ജി. ഒ. ആർ. ററി. നമ്പർ 191/76/ററി. ഡി. നമ്പർ വിജ്ഞാപനവും 1977 ഫെബ്രുവരി 11–ാം തീയതിയിലെ 91–ാം നമ്പർ അസാധാരണ ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തിയ 1977 ഫെബ്രുവരി 10–ാം തീയതിയിലെ ജി. ഒ. ആർ. ററി. 177/ററി.ഡി പ്രകാരവും ഭേദഗതി ചെയ്യപ്പെട്ട 1976 ഫെബ്രുവരി 20–ാം തീയതിയിലെ 109–ാം നമ്പർ അസാധാരണ ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തിയ 1976 ഫെബ്രുവരി 20–ാം തീയതിയിലെ ജി. ഒ. ആർ. ററി. 165/76/ററി. ഡി. നമ്പർ പരസ്യത്തിന് അനുബന്ധമായി ചേർത്തിട്ടുള്ള പട്ടികയിൽ നിർണ്ണയിച്ചിട്ടുള്ള അതേ രീതിയിൽ ആയിരിക്കുന്നതും താഴെ പറയുന്ന കൂടുതൽ മാററങ്ങൾക്ക് വിധേയമായിരിക്കുന്നതുമാണ്.

പ്രസ്തുത പട്ടികയിൽ ''എഫ്. എൽ. റീട്ടെയിൽ ഷോപ്പുകൾ'' എന്ന തലക്കെട്ടിൻകീഴിലുള്ള ചേർത്തല റേഞ്ചിലെ ഷോപ്പ് നമ്പർ 22–ം അതു സംബന്ധമായ കുറിപ്പുകളും വിട്ടുകളയേണ്ടതാണ്.

3. ലേലവിൽപ്പന 1974–ലെ കേരള അബ്കാരി ഷോപ്പുകൾ (ലേല വിൽപ്പന) ചട്ടങ്ങളിലെ വ്യവസ്ഥകൾക്ക് വിധേയമായിരിക്കുന്നതാണ്.

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,

ജെ. എസ്. ജേശുദാസൻ,

ഗവൺമെൻറ് സ്പെഷ്യൽ സെക്രട്ടറി.

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GOVERNMENT OF KERALA

Home (SSA) Department

NOTIFICATION

No. 4981/SSA1/78/Home. *Dated, Trivandrum, 10th February* 1978.

S. R. O. No. 132/78.—In exercise of the powers conferred by sub-section (6) of section 144 of the code of criminal procedure, 1973 (Central Act 2 of 1974) the Government of Kerala hereby make the following alteration in the order made by them under the proviso to sub-section (4) of section 144 of the said code and published under Notification No. 4981/SSA1/78/Home dated the 4th February 1978 as SRO. No. 119/78 in the Kerala Gazette Extraordinary No. 69 dated the 4th February 1978, namely:—

ALTERATION

In the said notification, the following shall be added at the end, namely:—

"Subject to the alteration that entry of any person into the said church will be allowed on the written permission of the District Collector, Ernakulam".

By order of the Governor,

J. S. JESUDHASAN,
Special Secretary to Government.

33/469/MC

Explanatory Note

In the notification No. 4981/SSA1/78/Home dated 4-2-1978, Government have prohibited the assembly of 5 or more persons and carrying of deadly weapon within a radius of one Km. of the Thrikkunnath Seminary Church, Alwaye and the entry of any person into the said Church. It has been decided that the entry into the said Church will be allowed with the written permission of the District Collector, Ernakulam. The above notification is intended to achieve the above subject.

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1977/LA4A/78. *Dated, Trivandrum, 10th February 1978.*

The Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1978.

33/472/MC

Fifth Kerala Legislative Assembly

Bill No. 47

THE VALIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE FUND (PARTITION) AND THE KERALA JOINT HINDU FAMILY SYSTEM (ABOLITION) AMENDMENT BILL, 1978

A

BILL

to amend the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 *and the Kerala Joint Hindu Family System (Abolition) Act,* 1975.

Preamble.—WHEREAS it is expedient to amend the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 and the Kerala Joint Hindu Family System (Abolition) Act, 1975, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Act, 1978.

2. *Amendment of section* 2.—In section 2 of the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961, (16 of 1961) (hereinafter referred to as the principal Act),—

(a) for clause (c), the following clause shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971, namely:—

"(c) 'family' means the Marumakkathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India;";

(b) in clause (d), the words "of the Maharaja of Cochin" shall be, and shall be deemed to have been, omitted with effect on and from the 28th day of December, 1971.

3. *Substitution of new section for section* 3.—For section 3 of the principal Act, the following section shall be substituted, namely:—

"3. *Partition of the Estate and the Palace Fund.*—(1) The seniormost male member of the family shall, within sixty days from the date of commencement of the Valiamma Thampuran Kovilakam Estate and the Palace Fund

(Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978, direct the Board to effect partition of the Estate and the Palace Fund among all the members entitled to a share of the Estate and the Palace Fund under section 4 of the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976) and such direction shall be published by the Board in the Gazette.

(2) If the seniormost male member fails to direct the Board as required by sub-section (1), the Board shall, on the expiry of the period specified in that sub-section, proceed to effect the partition of the Estate and the Palace Fund among the members referred to in sub-section (1) and the partition so effected shall be valid notwithstanding anything contained in section 17 of the Proclamation.".

4. *Omission of sections 4 and* 5.—Sections 4 and 5 of the principal Act shall be, and shall be deemed to have been, omitted with effect on and from the 1st day of December, 1976.

5. *Amendment of section* 6.—In section 6 of the principal Act, for the words "Maharaja of Cochin", the words, "seniormost male member" shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971.

6. *Amendment of section* 8.—In section 8 of the principal Act,—

(a) in the marginal note, the words "of the Maharaja" shall be, and shall be deemed to have been, omitted with effect on and from the 28th day of December, 1971;

(b) for the words "Maharaja of Cochin", the words "former Ruler of Cochin" shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971;

(c) the words "and subsisting at the time of the partition" shall be inserted at the end.

7. *Substitution of new section for section* 11.—For section 11 of the principal Act, the following section shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971 namely:—

"11. *Amendment of Proclamation.*—In the Proclamation (IX of 1124) dated the 29th June, 1949, promulgated by the Maharaja of Cochin,—

(i) in section 2, the word "and" at the end of clause (b) shall be omitted and, after that clause, the following clause shall be inserted, namely:—

"(bb) 'family' means the Marumakkathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India;";

(ii) for the words "Our family", wherever they occur, the words "the family" shall be substituted;

(iii) for the word "Us" wherever it occurs, the words "the seniormost male member of the family" shall be substituted;

(iv) in section 12, for the words "Our previous sanction", the words "the previous sanction of the seniormost male member of the family" shall be substituted;

(v) in sections 17 and 20, for the words, "Our approval", the words "the approval of the seniormost male member of the family" shall be substituted;

(vi) in section 22, the words "the Estate and the Palace Fund shall be impartible and" shall be omitted;

(vii) section 24 shall be omitted.".

8. *Amendment of Act* 30 *of* 1976.—In the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), after section 7, the following section shall be, and shall be deemed always to have been, inserted, namely:—

"8. *Proclamation IX of* 1124 *and Act* 16 *of* 1961 *to continue in force.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, Proclamation (IX of 1124) dated the 29th June, 1949, promulgated by the Maharaja of Cochin, as amended by the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Act 1978 and the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961), as amended by the said Act shall continue to be in force and shall apply to the Valiamma Thampuran Kovilakam Estate and the Palace Fund administered by the Board of Trustees appointed under section 3 of the said Proclamation.".

9. *Repeal and savings.*—(1) The Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978 (1 of 1978), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act or the Proclamation (IX of 1124) dated the 29th June, 1949, promulgated by the Maharaja of Cochin or the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act or the said Proclamation or Act, as the case may be, as amended by this Act as if this Act had come into force on the 6th day of January, 1978.

STATEMENT OF OBJECTS AND REASONS

On the 29th June 1949, the Maharaja of Cochin promulgated a Proclamation (Proclamation IX of 1124), to make provision for the administration of the properties of the Valiamma Thampuran Kovilakam Estate and the Palace Fund belonging to the family of the Ruler of the former State of Cochin. According to section 3 of the Proclamation, the Estate and the Palace Fund shall vest in a Board of Trustees to be called the Palace Administration Board and the Board shall administer the Estate and the Palace Fund subject to the provisions of the Proclamation. Clause 17 of the Proclamation provides that no decision taken by the Palace Administration Board can be carried into effect unless it has the approval of the Maharaja of Cochin.

2. By the Valiamma Thampuram Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961), provision was made for the partition of the Valiamma Thampuran Kovilakam Estate and the Palace Fund. According to section 3 of that Act, the partition is to be ordered by the Maharaja of Cochin if a request in writing is made by a majority of the major members of the family.

3. Consequent on the withdrawal of recognition of Rulers by the Constitution (Twenty-sixth Amendment) Act, 1971, it became necessary to amend the Proclamation (IX of 1124) and the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961, to change the references therein to the Maharaja of Cochin as references to the seniormost male member of the family of the Ruler of the former State of Cochin.

4. The Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), which provides for the abolition of Hindu Joint families was brought into force with effect from the 1st December, 1976. Sub-section (2) of section 4 of that Act provides that all members of a Joint Hindu Family other than an undivided Hindu family governed by the Mitakshara law holding any joint family property on the date of commencement of the Act shall, with effect from that day, be deemed to hold it as tenants-in-common as if a partition of such property *per capita* had taken place among all the members of the family living on the day aforesaid, whether such members were entitled to claim such partition or not under the law applicable to them and as if each one of the members is holding his or her share separately as full owner thereof. The family of the Ruler of the former State of Cochin, which is governed by the Marumakkathayam law, will fall under sub-section (2) of section 4. Therefore, in spite of the provisions contained in the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961, the properties of the family shall be deemed to have been partitioned and accordingly all the members have become full owners of their share in the properties of the family.

5. The family consists of more than seven hundred members. It is apprehended that a division of the Valiamma Thampuran Kovilakam Estate

and the Palace Fund by metes and bounds might not be possible for a pretty long period as consensus among such a large number of co-owners could be practically impossible and that a suit for partition with so many members was impracticable. The Palace Administration Board cannot also surrender the properties to any one since such surrender to absolve the Board from liability must be to all the co-owners together, which is not practicable. It was, therefore, considered necessary to make the Kerala Joint Hindu Family System (Abolition) Act inapplicable to the Valiamma Thampuran Kovilakam Estate and the Palace Fund and to provide for the management and partition thereof in accordance with the provisions of Proclamation (IX of 1124) and the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961. It was also considered necessary to empower the Palace Administration Board to proceed to effect the partition if the senior-most male member of the family does not direct the Board to effect the partition within a specified period.

6. As the Legislative Assembly was not in session and as the above proposals had to be given effect to immediately, the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978, was promulgated by the Governor on the 5th day of January, 1978, and published as Ordinance No. 1 of 1978.

7. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

A. K. ANTONY.